

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-40 are pending in the present application. Claims 1-4, 7, 8, 12, 13, 20-23, 26, 27, 31, 32, 39 and 40 are amended by the present amendment.

Claim amendments find support in the specification as originally filed at least at page 11, line 18 to page 13, line 20, page 14, line 35 to page 15, line 11, page 24, lines 7-25, page 25, line 28 to page 26, line 28, and FIGs. 2 and 4. Thus, no new matter is added.

In the outstanding Office Action, Claims 1-8, 10-13, 15-17, 19-27, 29-32, 34, 35 and 37-40 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,991,739 to Cupps et al. (herein "Cupps"); Claims 9 and 28 were rejected under 35 U.S.C. § 103(a) as unpatentable over Cupps; and Claims 14, 18, 33 and 36 were rejected under 35 U.S.C. § 103(a) as unpatentable over Cupps in view of U.S. Patent No. 6,064,980 to Jacobi et al. (herein "Jacobi").

Initially, Applicants and Applicants' representative gratefully acknowledge the courtesy of a personal interview with the Examiner on October 12, 2005. During the interview, differences between the present invention and references cited in the outstanding Office Action were discussed. Comments discussed during the interview are reiterated below.

Applicants respectfully traverse the rejection of Claims 1-8, 10-13, 15-17, 19-27, 29-32, 34, 35 and 37-40 under 35 U.S.C. § 102(b) as anticipated by Cupps, with regard to the amended independent claims.

Amended Claim 1 is directed to a purchase promotion server system that includes, in part, a user information database unit, a user state judgement unit, a user information management unit and a user notification unit. The user information database unit stores

electronic goods or services information. The stored information indicates goods or services that are scheduled or desired by a user to be purchased by the user.

Further, according to amended Claim 1, the user state judgement unit automatically judges a user state regarding whether the user is currently fit to make an action for purchasing the goods or services in the stored information at a current physical location of a user information communication terminal. The user information management unit recognizes the user information communication terminal currently used by the user.

In addition, according to amended Claim 1, the user notification unit sends an urging or reminding message to the recognized user information communication terminal via a network when the user state, judged by the user state judgement unit, indicates that the user is currently fit to make the action for purchasing the goods or services in the stored information at the current physical location of the user information communication terminal. The urging or reminding message urges or reminds the user to make the action for purchasing the goods or services at the current physical location of the user information communication terminal. Independent Claims 20, 39 and 40 include similar features but directed to different statutory invention classes.

In a non-limiting embodiment, Applicants Figure 2 shows a purchase promotion server system including an agent service system Y that may send a message to a portable telephone user system D (e.g., user communication information terminal) when the portable telephone user system is physically located inside a shop (e.g., a current physical location of the user information communication terminal). The message sent to the portable telephone user system D may include a reminder that goods on a previously stored purchase memo can be obtained at the shop (e.g., urging or reminding message being configured to urge or remind the user to make the action for purchasing the goods or services in the stored

information at the current physical location of the user information communication terminal).¹

As discussed during the interview, Applicants respectfully submit that Cupps does not teach or suggest each feature of the claimed invention. In particular, Cupps does not teach or suggest judging whether a user is fit to make an action for purchasing items at a current physical location of a user terminal currently used by the user, Cupps does not teach or suggest sending a message to the user urging a purchasing action when the user is judged to be fit to make the action for purchasing at the current physical location of the user terminal, and Cupps does not teach or suggest storing information regarding goods/services desired or scheduled to be purchased by the user and sending a message to the user reminding the user to make an action for purchasing those stored items based on a current physical location of the user.

First, Cupps describes a system that displays a web page showing “the first five pizza restaurants that deliver within a particular customer’s location.”² However, according to Cupps the customer’s predetermined location is manually entered by the customer into an online registration web page.³ In other words, Cupps indicates that a predetermined and fixed customer location is entered in a web page by a user, but does not describe determining any current physical location of a user or of a terminal currently used by the user. Accordingly, Applicants respectfully submit that Cupps does not teach or suggest “a user state judgement unit configured to automatically judge ... whether the user is currently fit to make an action for purchasing ... at a current physical location of a user information communication terminal,” as recited in amended independent Claim 1, and as similarly recited in amended independent Claims 20, 39 and 40.

¹ Specification at page 28, lines 9-22.

² Cupps at column 9, lines 18-20.

³ Cupps at column 9, lines 48-53, and FIG. 12B.

Further, Cupps describes a menu web page 144 (e.g., a message) showing restaurants near a predetermined user location. Cupps FIG. 11 shows that the web page 144 is generated (step 306) after the customer (e.g., user) accesses an online ordering machine (step 300), and after the customer enters location and other information (step 302). Thus, Cupps does not indicate that generating the web page (e.g., sending the message) is in any way associated with a current physical location of the user or of a user information communication terminal currently used by the user. Accordingly, Applicants respectfully submit that Cupps does not teach or suggest “a user notification unit configured to send an urging or reminding message ... when the user state ... indicates the user is currently fit to make the action for purchasing the goods or services ... at the current physical location of the user information communication terminal,” as recited in amended independent Claim 1, and as similarly recited in amended independent Claims 20, 39 and 40.

In addition, Cupps merely describes an online ordering method that “provides the customers with product information from various vendors whose delivery range is within the customer’s location or with product information from vendors having take out service within a specified range from the customer’s location,”⁴ where the predetermined “customer’s location” is supplied upon registration by the customer. As such, the method of Cupps does not include any database to store items desired or scheduled for purchase by a particular user, and Cupps is completely silent regarding any such feature. Further, Cupps does not indicate that the user in any way schedules or desires to purchase any items that are stored in a database. Accordingly, Applicants respectfully submit that Cupps does not teach or suggest “a user information database unit configured to store electronic goods or services ... scheduled by a user to be purchased by the user or goods or services desired by the user to be

⁴ Cupps at Abstract, lines 7-13.

purchased by the user,” as recited in amended independent Claim 1, and as similarly recited in amended independent Claims 20 and 39.

Further, Applicant’s respectfully traverse the assertion in the outstanding Office Action that Cupps database 128 includes is equivalent to the claimed user information database unit. Cupps database 128 merely “includes information on each of the customers, vendors, and received orders,” but Cupps in no way indicates that the “received orders” are items that a user desires or schedules to purchase, but merely indicates that “received orders” are items that customer’s have previously ordered. As there is no motivation or suggestion in Cupps to assert that “received orders” are the same as items scheduled or desired to be purchased, Applicants respectfully submit that assertion is based on impermissible hindsight afforded by the claimed invention and prohibited by M.P.E.P. § 2141.01.

In addition, Applicant’s respectfully traverse the assertion in the outstanding Office Action that Cupps “special savings” button is equivalent to the claimed message. Cupps FIG. 8 merely shows a portion of a web page that includes the words “click here to see special savings” but Cupps does not otherwise describe that portion of the web page, and in particular, Cupps does not indicate that the “special savings” button is sent to the user based on any current physical location or to urge or remind the user of any previously stored items desired or scheduled for purchase. As there is no motivation or suggestion in Cupps to assert that the “special savings” is in any way related to the claimed message, Applicants respectfully submit that assertion is also based on impermissible hindsight afforded by the claimed invention and prohibited by M.P.E.P. § 2141.01.

Accordingly, Applicants respectfully submit that independent Claims 1, 20, 39 and 40, and claims depending therefrom, patentably define over Cupps.

In addition, Applicants respectfully traverse the rejections of Claims 9, 14, 18, 28, 33 and 36 under 35 U.S.C. § 103(a) as unpatentable over Cupps or as unpatentable over Cupps in view of Jacobi.

Claims 9, 14, 18, 28, 33 and 36 depend from Claims 1 and 20, which are believed to patentably define over Cupps, as discussed above. Further, Applicants respectfully submit that Jacobi also does not teach or suggest the claimed features lacking in the disclosure of Cupps as discussed above. Hence, Applicants respectfully request those rejections be withdrawn.

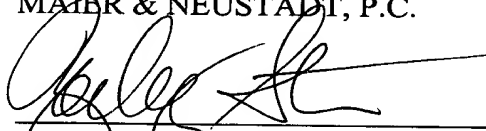
Accordingly, Applicants respectfully submit that independent Claims 1, 20, 39 and 40, and claims depending therefrom, are allowable.

Should the above distinctions be found unpersuasive, Applicants respectfully request that the Examiner provide an explanation *specifically rebutting the points raised herein* for purposes of facilitating prosecution.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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